

Planning and Zoning Commission Meeting Minutes of August 14, 2018:

18-0008M Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Chapter 146 (Zoning Regulations), Section 146-84 (BN - Neighborhood Business District), Section 146-85 (BG - General Business District), Section 146-86 (C - Planned Center District), Section 146-90 (ML - Light Manufacturing District), Section 146-91 (MH - Heavy Manufacturing District), Appendix B-2 (Regional Employment Center - Overlay Urban Design Standards) and Appendix F-4 (Schedule of Uses), of the Code of Ordinances. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that an additional comment letter was distributed to the Commission Members prior to the meeting. She stated that this item is replacing item # 18-0007M that was heard at the July 24, 2018 Planning and Zoning Commission meeting. Ms. Pickett stated that following that meeting a modification to the request was made based upon the feedback from a June 4, 2018 City Council Work Session. She stated that the proposed amendments focus on both issues that were discussed at that work session, residential uses in non-residential districts and motor vehicle sales. Ms. Pickett stated that Staff re-noticed the item accordingly. She stated that in response to the Planning and Zoning Commission's feedback at the July 24, 2018 meeting, Staff issued a memo regarding the proposed amendments and sent it to a number of applicants in the City's system and posted the

memo on the City's website. Ms. Pickett stated that given the concerns with the potential loss of commercial tax base, properties not developing as envisioned, and the desire to protect key properties, Staff prepared ordinance amendments to focus on these issues. She stated that the sections of the ordinance under consideration are non-residential districts that have remained largely unchanged since 1981. Ms. Pickett stated that the proposed amendments are intended to bring older districts into closer alignment with the newer zoning districts by removing residential uses from non-residential districts and allowing for discretionary consideration of motor vehicle sales on a case-by-case basis via Specific Use Permit (SUP) process. She stated that overall the amendments should improve the schedules' ease of use, reduce inconsistencies where land uses are allowed, and result in a more ideal land use development pattern. Ms. Pickett stated that Staff recommends approval of the proposed amendments and offered to answer questions. Commission Member Cobbel asked if there were any changes to the notification process. Ms. Pickett stated that Staff followed the legal notice procedure for a 15-day legal notice in the local papers. She stated that Staff also issued a memo, which was not part of the legal notice procedure. Commission Member McReynolds asked for clarification on how Staff issued the memo. Ms. Pickett stated that Staff drafted a memo that outlined the proposed changes to the ordinance, sent the memo to all of the planning applicants in the online system, and posted the memo

and redlined copy of the proposed amendments on the City's website in multiple places. Commission Member McReynolds asked how many properties the proposed amendments affected. Ms. Pickett stated that she did not have an exact number of properties that the proposed amendments might affect, since the proposed changes were city-wide. Commission Member Smith stated that the notification process has been in practice for a long time in McKinney, it is consistent with state law requirements, and a common practice with other Texas cities for these type of situations. Ms. Pickett said that was correct. Chairman Cox opened the public hearing and called for comments. Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Blvd.; McKinney, TX; stated that he had submitted written comments about the proposed amendments that were included in the Staff Report. He stated that he did not object to removing residential uses from non-residential districts and gave an example of the City's multi-family standards. Mr. Roeder stated that he did have an issue with changing automotive sales from a permitted use to requiring a Specific Use Permit (SUP). He stated that was purely discretionary. Mr. Roeder suggested that the City set development standards for automotive sales that everyone has to live by, new development and refurbished development. He stated that McKinney should be a City that makes decisions based upon standards and not discretion. Mr. Roeder stated that he felt that an applicant applying for an automotive sales use along the City's thoroughfares

would not get approved by City Council. He gave an example of where a property owner could invest a significant amount of money in property adjacent to a thoroughfare knowing that it was a permitted use allowed by the zoning; however, the City could then make a discretionary decision that could ruin the development. Mr. Roeder stated that it would tell the development community not to come to McKinney, since the City could change the rules. He stated that the investment community would get on board with the City setting reasonable standards, since that would be a level playing field. Mr. Roeder requested that the proposed Specific Use Permit (SUP) amendment for automotive sales uses not be approved and consider setting standards instead. Mr. Charlie Bush, 8016 Stone River Dr., Frisco, TX, stated that his family has owned approximately 60 acres near Highway 121 on the south, Hardin Road on the east, and McKinney Ranch on the north, for 80 – 100 years. He stated that the property was rezoned to a “PD” - Planned Development District in the mid-1980s. Mr. Bush stated that they are working on several deals to sell the 40 acres, located on the north side of Collin McKinney Parkway, to developers who will develop the property in combination of single family, multi-family, and commercial uses along Hardin Road. He stated that Horseshoe Bend and Avalon are nearby single family developments. Mr. Bush stated that eliminating the single family and mutli-family uses on that tract would have a negative affect the value of the property. He requested that the City think carefully

before proceeding with the proposed amendments. On a motion by Commission Member McReynolds, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing. Commission Member Smith asked if Staff is aware of any future automotive dealerships planned along U.S. Highway 75 (Central Expressway). Ms. Pickett stated that one is under construction near U.S. Highway 75 (Central Expressway) and White Avenue. She stated that there is another one under review along State Highway 121 (Sam Rayburn Tollway). Ms. Pickett stated that there could be a couple of others that have submitted for platting. Commission Member Smith asked if the proposed amendments were adopted by City Council how it would affect these two dealerships. Ms. Pickett stated that if they have made the correct submittals up until this point, then they should be grandfathered under the current requirements. She stated that if the proposed amendments were approved then they would become effective at a certain date. Commission Member Cobbel stated that in 2014 the City changed the ordinance and there was a lot of conversation with the development community, real estate community, property owners, and the City. She stated that they decided that the amendments would be applied to zoning going forward and not on current zoning. Commission Member Cobbel stated that this felt like the same conversation as before; however, it was removing the grandfather clause. She stated that it would be removing uses on the property that

are currently allowed and could affect the property value. Commission Member Cobbel stated that she had an issue with the City not notifying each individual property owner of possible changes to the allowed uses on their property. She stated that she had an issue with the notification process and removing property rights in general. Commission Member McReynolds concurred with Commission Member Cobbel's comments. He stated that he also had an issue with the notification process and removing uses allowed under the current zoning on properties across the City. Commission Member Kuykendall stated that she made a motion at the previous meeting to table item # 18-0007M to allow residents to learn about the proposed amendments. She stated that it had been three weeks since that meeting and she felt that Staff has done their due diligence in filtering out information about the proposed amendments. Commission Member Kuykendall stated that she no longer has concerns regarding the notification process. Commission Member McCall stated that Staff is obeying the law with the current notification process. He stated that there would be people disagreeing with the proposed amendments. Commission Member McCall stated that Staff was trying to make it better for the City. He stated that he was in support of the request. Commission Member Smith stated that Staff made comments at the previous meeting that if City Council wanted to change how the notification process was handled then Staff would happily comply. She asked if the method of notification is a decision of

City Council. Ms. Pickett said yes and that it is set by State Law. Commission Member Smith wanted to clarify that the Planning and Zoning Commission is not being asked to make a recommendation on the notification method. Ms. Pickett stated that was correct. Commission Member Smith stated that she understands the notification concerns; however, she also understands that they were not being asked to make recommendations on the notification process. She stated that she agrees with Staff's opinions about preferable land use development patterns and the land use intensity of uses may not be appropriate in all locations where these zoning districts are located. Commission Member Smith stated that she understands bringing in line the uses with the current zoning. She stated that at some point this was bound to happen. Commission Member Smith stated that the City was not eliminating the automotive facilities; however, imposing the Specific Use Permit (SUP). Commission Member Smith stated that she understands the benefit of requiring the Specific Use Permit (SUP) and she does not have an issue with this proposed amendments. She stated that she was in support of the proposed amendments as recommended by Staff. Vice-Chairman Mantzey stated that in regards to the notification process, reason and law do not necessarily equal each other. He stated that we need to follow the law even when reason may say differently. Vice-Chairman Mantzey stated that Staff followed the law and the direction of City Council; therefore, he has no issues with the notification process. He stated that

he was conflicted with the proposed amendments with requirement a Specific Use Permit (SUP) for the automotive dealerships. Vice-Chairman Mantzey stated that the public may have a different opinion as to the current number of automotive dealerships in McKinney. He stated that they bring a good job base to McKinney and they are involved in the community overall. Vice-chairman Mantzey stated that residential uses do not belong in a number of these locations overall. He stated that he had concerns about taking away rights that are allowed under the currently zoning. Vice-Chairman Mantzey stated that this decision would be made by people voted into office. He stated that City Council asked to see these proposed amendments. Vice-Chairman Mantzey stated that the proposed amendments were far from perfect; however, he would be in support of the request. Chairman Cox concurred with Vice-Chairman Mantzey's comments. He stated that this is a directive by City Council, who are elected by the citizens of McKinney. Chairman Cox stated that the Planning and Zoning Commission serves as appointed officials. He stated that these are far-reaching decisions that need to be made by our elected officials. Chairman Cox stated that many hours have gone into these proposed amendments. He stated that he was in support of the proposed amendments as recommended by Staff. On a motion by Commission Member Smith, seconded by Commission Member Kuykendall, the Commission voted to recommend approval of the proposed amendments as recommended by Staff, with a vote of 5-

2-0. Commission Members Cobbel and McReynolds voted against the motion. Chairman Cox stated that the recommendation of the Planning and Zoning Commission would be forwarded to City Council for consideration at the August 21, 2018 meeting.